EXPRESS MAIL NO.: EV336512075US PATENT

**DEPOSITED ON: July 23, 2003** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Donald E. Weder Atty. Dkt. No.: 8403.939

Filed: Herewith Examiner: F. Palo

For: FLORAL SLEEVE WITH CONSTRICTION ELEMENT

Mail Stop PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### **INFORMATION DISCLOSURE STATEMENT**

The following sections are being submitted for this Information Disclosure Statement:

- 1. [X] Preliminary Statements
- 2. [X] FORM PTO-1449 (Modified)
- 3. [X] Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))
- 4. [X] Identification of Prior Application In Which Listed Information Was Already Cited and for Which No Copies Are Submitted Or Need to Be Submitted
- 5. [X] Copies of Listed Information Items Accompanying this Statement
- 6. [X] Identification of Person(s) Making this Information Disclosure Statement

#### **Section 1. Preliminary Statements**

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

### Section 2. Form PTO-1449 (Modified)

- [X] A completed Form 1449 (Modified) is attached hereto.
- [ ] No Form 1449 (Modified) is attached.

### Section 3. Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))

Plant sleeves are old in the art. Plant sleeves typically are constructed of polymer film or paper. Plant sleeves generally are tapered (trapezoidally shaped) with an open top and an open bottom, although some have a closed bottom. A plant in a pot is placed in the plant sleeve so that the sleeve covers the pot and the plant. In some instances, an upper portion of the plant sleeve is removable along a line of perforations leaving at least a portion of the sleeve around the pot. In some instances, a separate sheet of material is placed about the pot and the remaining bottom portion of the plant sleeve holds this separate sheet of material in place. Alternatively, a floral grouping alone may be placed within the sleeve. It is also known to put potted plants in grocery bags.

It is also old in the art to form a sheet of material about a flower pot and then place an elastic band around the sheet of material to hold the sheet in place about the flower pot. In some instances, the band has been positioned about the outer surface of the pot with the sheet of material positioned between the band and the flower pot. In some instances, the band has been positioned

above the upper end of the pot thereby causing a portion of the sheet of material to be forced inwardly over the upper end of the pot.

It is also old in the art to form a sheet of material into a conically shaped tube like member referred to commonly in the art as a sleeve. A floral grouping or flower pot with flowers therein can be disposed through the larger open end of the sleeve, wherein the sleeve covers the floral grouping or the flower pot and extends above and around the flowers in the floral grouping or flower pot.

It is also old in the art that cut flowers have been wrapped with the following materials or combinations of materials:

- 1. Kraft paper plus waxed or unwaxed tissue paper with the flowers being placed next to the waxed paper or tissue paper.
- 2. Kraft paper plus newspaper plus waxed or unwaxed tissue with the flowers being placed next to the waxed or unwaxed tissue. These three materials have been used to wrap flowers in various combinations such as Kraft paper plus newspaper or Kraft paper plus waxed or unwaxed tissue paper or newspaper plus waxed or unwaxed tissue paper.
- 3. Waxed or unwaxed tissue paper, polymer films and Kraft paper (treated for water resistance or wet strength or untreated).
- 4. Polymer film and waxed tissue paper.

# Section 4. Identification of Prior Application In Which Listed Information Was Already Cited and for Which No Copies Are Submitted Or Need Be Submitted

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application serial no. 10/307,126, filed on November 26, 2002.

The following references were submitted to, and/or cited by, the Office in the prior application(s) and therefore, are not required to be provided in this application; however, the prior art references listed below were not cited previously in the prior application and copies are provided herein:

Foreign Patents: Denmark - 1,204,647.

Other Materials: WEDER ET AL., "Sleeve with a Triangular Lower End", U.S. Patent Application Publication, Pub. No. US 2002/0112401 A1 Pub. Date: 08/22/2002.

### Section 5. Copies of Listed Information Items Accompanying this Statement

Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

[X] Exception(s) to above:

. . . . .

[X] Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

### Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of the information:

- [ ] supplied by the inventor(s)
- [ ] supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).
- [X] in the attorney's file

Respectfully submitted,

Christopher W. Corbett, Reg. No. 36,109

DUNLAP, CODDING, & ROGERS, P.C.

P.O. Box 16370

Oklahoma City, Oklahoma 73113

Telephone: (405) 607-8600 Facsimile: (405) 607-8686

Agent for Applicant

Express Mail Number: EV336512075US

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**FORM PTO-1449** 

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

Attorney's Docket Number 8403.939

Not Yet Assigned

(Fill-A-Form 7.92)

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

Applicant Donald E. Weder

Filing Date Herewith

Group

		· · · · · ·					U	. S	PATENT DO	CUMENTS			
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	·· <u>·</u> ·	1	4	4	6	5	6	3	02/27/1923	Hughes			
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		1	6	1	0	6	5	2	12/14/1926	Bouchard			
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		3	6	2	0	3	6	6	11/16/1971	Parkinson	206	59	
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		3_	7	6	7	1	0	4	10/23/1973	Bachman et al.	229	7	
		3	7	9	3	7	9	9	02/26/1974	Howe	53	32	
		3	8	6	9	θ	2	8	03/11/1975	Matsumoto	47	34.11	
	· ·	3	8	8	8	4	4	3	06/10/1975	Flanigen	248	152	
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!		4	0	4	3	0	7	7	08/23/1977	Stonehocker	47	66	
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		4	1	4	9	3	3	9	04/17/1979	Hall et al.	47	67	
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	5	9	6	6	8	6	6	10/1999	Ferguson	47	41.01	
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		9	3	1	5	9	7	9	08/19/1993	PCT			X	_
		9	7	1	2	8	1	9	04/10/1997	PCT			X	
			5	6	0	5	3	2	04/15/1975	Switzerland			X	
					5	6	0	5	05/06/1885	United Kingdom			X	
		1	2	0	4	6	4	7	09/09/1970	United Kingdom		`		
		2	0	5	6	4	1	0	03/18/1981	United Kingdom			X	
		2	0	7	4	5	4	2	11/04/1981	United Kingdom			X	
		2	1	2	8	0	θ	3	04/26/1984	United Kingdom			X	
		2	2	0	3	1	2	7	10/12/1988	United Kingdom			X	
		2	2	1	2	1	3	6	07/19/1989	United Kingdom			X	
		2	2	5	2	7	0	8	08/19/1992	United Kingdom			X	
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										September 26, 19				

EXAM INIT.	OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS											
	(Include name of Author (In CAPITAL LETTERS), Title of the Article (when appropriate), Title of the Item (book, magazine, journal, serial, symposium, catalog, etc.) Date, Relevant Pages, Volume-Issue Number(s), Publisher, City and/or Country where Published. **Place of publication.											
	"A World of Cut Flower and Pot Plant Packaging" Brochure, Klerk's Plastic Products Manufacturing, Inc., published prior to March 31, 1994, 6 pages.											
	Chantler & Chantler brochure showing Zipper Sleeve™ and Florasheet®, published prior to March 31, 1994, 2 pages.											
	"Stand Alone Plastic Bagmaking" brochure, AMI, Atlanta, GA, February 15, 1996, 2 pages.											
	"Foil Jackets" brochure, Custom Medallion, Inc., December, 1996, 2 pages.											
	"Derwent Abstract" of FR 2610604A. It is noted that the abstract is an incorrect English translation of the contents of the French patent. The French patent does not enable or disclose adhesively attaching the covering to the container. 1988.											
	"Silver Linings" Brochure, Affinity Diversified Industries, Inc., 1986. The Silver Linings brochure shows a floral sleeve with a closed bottom. The brochure shows, in one embodiment, a vase with flowers inside a "cut flower" sleeve with the sleeve tied with a ribbon about the neck of the vase.											
	"Special Occasion Printed Highlophane Bags" Brochure, Highland Supply Corporation, 1990, 2 pages.											
	"Creative Packaging" Brochure, John Henry Company, Sept. 1992.											
	"Make Highlander Your Headquarters" Brochure, Highland Supply Corporation, 1991.											
	WEDER ET AL., "Sleeve with a Triangular Lower End", U.S. Patent Application Publication, Pub. No. US 2002/0112401 A1, Pub. Date: 08/22/2002.											
EXAMINER	DATE CONSIDERED											
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